IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO: 9044 of 2005

Between:

R. Yadaiah S/o Late R. Ranga Goud,
R/o H. No. 8-257, Gautham Nagar, Ferozguda,
Balanagaram Mandal, Ranga Reddy District.

... PETITIONER

AND

1. The Special Cadre Deputy Registrar Officer on Special Duty,
Medak District Co-op Central bank,
H.O. Sangareddy, Medak District.
2. The Sale Officer,Medak District Co-op. Central bank Ltd.,
H.O. Sangareddy, Medak District
3. The Manager Medak District Central Co-op Bank Ltd.,
Toopran branch, Medak District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No.1 in not deciding petitioner's claim petition dated 21-1-2004 under Rule 52(21)(a) of A.P. Co-operative Societies Rules 1964 to raise the attachment order as illegal, bad, arbitrary and violtion of principles of natural justice and consequently direct the respondent No.1 to raise the attachment order in respect of House No. 4-96, situated at Toopran, Medak District.

Counsel for the Petitioner: MR. S. BHOOMA GOUD

Counsel for the Respondent Nos.1 & 2: MR. ASHOK ANAND KUMAR

Counsel for the Respondent No.3: SMT. BOBBA VIJAYA LAKSHMI

The Court at the admission stage made the following:

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ORDER: -

This writ petition is filed seeking *mandamus* declaring the inaction of the respondent No.1 in deciding claim petition of the petitioner dated 21-01-2004 under Rule 52(21)(a) of A.P. Co-operative Societies Rules, 1964 to raise the attachment order as illegal, and arbitrary and consequently direct the respondent No.1 to raise the attachment order in respect of House No. 4-96, situated at Toopran, Medak District.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. Petitioner, claiming to be the joint owner and possessor of the immoveable property bearing house No.4-96, Toopran, Medak District, and having ½ share in the said property, states that after the death of his brother, R. Shiva Goud, he came to know in January, 2004 that respondents 1 and 2 issued a sale notice intending to sell the abovementioned house in public auction to recover the amount of Rs.2,49,519-00, which is said to have been due to them by his brother.

It is the case of the petitioner that 3rd respondent granted loan to his brother, without looking into the title and ownership over the said house, which is a collusion between the bank authorities and his brother. It is his main contention that the said house is not liable for attachment or sale, as his brother was not the exclusive owner of the entire house. He submits that he was not made a party to the award passed by the 1st respondent, attaching the house bearing No.4-96, Toopran, Medak District.

4. The main grievance of the petitioner, in the present writ petition is that, though he filed a claim petition on 21-01-2004, under Rule 52 (21) (a) of A.P. Co-operative Societies Rules, 1964, before the 1st and 2nd respondents, stating that the house he is residing in, i.e. house bearing No.4-96, is not liable for attachment or sale, as he and his brother late R.Shiva Goud are the joint owners and possessors, and that all the proceedings of attachment and sale in respect of the said house be withdrawn, no notice was given to him with regard to his claim petition, nor the attachment order was raised so far.

5. Under those circumstances, I deem it appropriate to dispose of the writ petition directing the respondents to consider and pass appropriate orders on the claim petition filed by the petitioner dated
21-01-2004 within six weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. The writ petition is accordingly disposed of. No order as to costs.

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ELIPE DHARMA RAO, J

Dt.21-04-2005

Glv

ASSISTANT REGISTRAR

Copy to

1. The Special Cadre Deputy Registrar Officer on Special Duty,
Medak District Co-op Central bank,
H.O. Sangareddy, Medak District.
2. The Sale Officer,Medak District Co-op. Central bank Ltd.,
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3. The Manager Medak District Central Co-op Bank Ltd.,
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